

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2008 MAR -4 P 4:18

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
v.)
)
)
ING, LIFE INSURANCE & ANNUITY)
COMPANY,)
)
)
 Garnishee,)
)
WILEY THOMAS, JR.,)
)
 Defendant)

MISC. NO.

2:07 mc 3382-MHT

DEBBIE C. HACKETT, CLERK
MIDDLE DISTRICT OF ALABAMA
FEB 2008

APPLICATION FOR WRIT OF GARNISHMENT

TO: Honorable Debbie C. Hackett
Clerk, United States District Court
Middle District of Alabama
Montgomery, Alabama 36101

Please issue writ of garnishment for the seizure from the garnishee, ING, Life Insurance & Annuity Company, 5780 Powers Ferry Road, Atlanta, Georgia 30327, all property held in the possession of ING, Life Insurance & Annuity Company, in the name of Wiley Thomas, Jr., to compel performance of the judgment entered November 13, 2007, in this cause. Said defendant

has refused to comply with said judgment as more fully appears from the affidavit of R.

Randolph Neeley, Assistant United States Attorney, attached hereto as plaintiff's Exhibit A.

Dated this 3rd day of March, 2008.

LEURA G. CANARY
United States Attorney

By:


R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

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WILEY THOMAS, JR.,)
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Defendant)

MISC. NO. 2:07mc3382-MHT

U.S. DISTRICT COURT
 MIDDLE DISTRICT OF ALABAMA
 NORTHERN DIVISION

AFFIDAVIT

I, R. Randolph Neeley, having been first duly sworn, depose and say as follows:

1. I am an Assistant United States Attorney and represent the United States of America, plaintiff, herein.
2. Judgment was entered on November 13, 2007, for plaintiff and against defendant, Wiley Thomas, Jr., for the sum of \$118,015.00, lump sum due immediately.
3. Defendant has made payments totaling \$1,600.00 on this judgment.
4. Defendant resides within the jurisdiction of this court at 26 Oldfield Drive, Montgomery, Alabama 36117.
5. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
6. Demand was made on defendant on January 24, 2008, but defendant has failed and refused to satisfy said judgment in full.

7. The balance on the judgment as of February 28, 2008, is \$116,415.00.
8. Upon information and belief, Wiley Thomas, Jr., defendant, has funds on deposit with ING, Life Insurance & Annuity Company, Atlanta, Georgia, garnishee.

LEURA G. CANARY

United States Attorney

By:



R. RANDOLPH NEELEY

Assistant United States Attorney

Bar Number: 9083-E56R

Post Office Box 197

Montgomery, AL 36101-0197

Telephone No.: (334) 223-7280

Faxsimile No.: (334) 223-7418

E-mail: rand.neeley@usdoj.gov

Sworn to and subscribed before

me this 3rd day of March, 2008.



Arthena F. Gardner

NOTARY PUBLIC